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EXAMINER

COFFY, EMMANUEL

ART UNIT PAPER NUMBER

2157

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/865,400

Applicant(s)

KORI, ETSUO

Examiner

Emmanuel Coffy

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the application filed on 25 May 2001. Claims 1-21 are pending. Claims 1-21 are directed to a method for a "Review Data Retrieval System."
2. The Examiner notes that claims 4-6 have been amended removing reference to an improper multiple dependent claim and claims 16-21 have been added.

### ***Specification***

3. The Abstract of the disclosure is objected to because it begins with language that can be implied. Correction is required. See MPEP § 608.01 (b). The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes etc..." In this case the language: "The present invention aims at" can be implied.

### ***Claim Objections***

4. Claim 9 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, and cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Appropriate correction is required.
5. Claims 12-21 are objected to because as required by 37 CFR 1.75 (f), claims shall be numbered consecutively in Arabic numerals. Claim 11 is missing

therefore, the numbering sequence of the remainder of the claims is broken. See MPEP § 608.01(i). Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 3, the word "etc." renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "etc."), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d). However, in order to expedite a complete examination of the instant application the invention as recited in claim is understood to exclude the word "etc."

The word "sever" at line 7 in claim 4 must be corrected.

Regarding claim 7, it is rejected under 35 U.S.C. §112 ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention due to ambiguous language. A reasonable artisan skilled in the art could not comprehend the claims as written. The claim recites: "...it can be retrieved from the client..." It is not clear what the boundary of the claim is. Hence, the scope of the claim is unascertainable.

However, in order to provide a more complete examination the Examiner asserts that this invention is understood as: "...a document can be retrieved for the client...."

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Zucknovich et al. (US 5,940,843.) in view of Husick et al. (US 5,717,914)

Zucknovich teaches the invention substantially as claimed including a repository server, which receives research, documents from contributors. A restriction subsystem server is selectively coupled to the contributor workstation. The restriction subsystem server that includes, manages, and stores "restriction" and "review" information of companies relative to contributors. (See abstract).

Claim 1:

Referring to claim 1, Zucknovich teaches a review data retrieval system in which a server having a review database and a client retrieving and obtaining data of a desired review from the server are connected to a network, wherein:(See Fig. 1)

said server has at least a title of a book whose review or an introductory remark is carried by a medium in the database and a name of the medium carrying the review or the introductory remark; and

at a request of the client, at least the title of the book and a number of times the review or the introductory remark is carried by the medium are output to the client through the network.

Zucknovich teaches a server which has a title, an author, a review which at the request of a client is sent to the requester. (See Fig.1 and Fig. 2 ). Zucknovich does not explicitly suggest a medium, which carries the review or introductory remark. However, Husick teaches such concept. (See Fig. 4A and col. 17, lines 4-6). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the repository system taught by Zucknovich with the method for categorizing documents as disclosed by Husick. This system reduces the burden on an individual having to search for a particular book. Therefore, claim 1 is rejected.

Claim 2:

Referring to claim 2, Zucknovich teaches the system according to claim 1, wherein said server further comprises in the database the data of reading characters of a title of a book, a name of an author or editor, a name of a publisher, a name of a reviewer or selector to be output to the client through the network.

Zucknovich teaches a server which has a title, an author, a review, a reviewer which at the request of a client is sent to the requester. (See Fig.1 and Fig. 2). Zucknovich does not explicitly suggest the name of a publisher. However, Husick teaches such concept. (See Fig. 5 (422), col. 14, lines 28-30).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the repository system taught by Zucknovich with the method for categorizing documents as disclosed by Husick.

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This system reduces the burden on an individual having to search for a particular book. Therefore, claim 2 is rejected.

Claim 3:

Referring to claim 3, it recites the system according to claim 1 or 2, wherein said server further comprises in the database the data of a year and a month of a publication, a publisher, an issuer, a type, an ISBN code, a list price, and a price of a body of a first edition, a second impression, printing, revised version of a book to be output to the client through the network.

Zucknovich does not suggest the limitations of this claim. However, Husick expressly teaches the claim limitations. (See Fig. 5; col. 2, lines 50-55; col. 27, lines 34-37; and col. 14, lines 28-30). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the repository system taught by Zucknovich with the method for categorizing documents as disclosed by Husick. This system provides for accurate record keeping as may be required by a publisher for royalty payments purposes. Therefore, claim 3 is rejected.

Claim 4:

Referring to claim 4, it recites the system according to claim 1 or 2 wherein said server further comprises in the database the data of a field of the book, a field, an issue date, a publication date, a magazine code, a listing year, month, and page of the review or the introductory remark of the medium on which the review or the introductory remark of the book is listed to be output to the client through the network.

Zucknovich teaches an issue date, a publication date, a field and page count at col. 14, lines 57-59 and col. 20, lines 53-65. Zucknovich does not expressly suggest a document (magazine) code. However, Husick extensively teaches document code (identification) at col. 19, lines 8-32. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the repository system taught by Zucknovich with the method for categorizing documents as disclosed by Husick.

This system provides for accurate search results and flexible search query. Therefore, claim 4 is rejected.

Claim 5:

Referring to claim 5, it recites the system according to claim 1 or 2 wherein said server further comprises a summary of contents of the book to be output to the client through the network.

Zucknovich does not expressly suggest a summary of contents. However, Husick expressly discloses summary (synopsis) for the document at col. 20, line 65. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the repository system taught by Zucknovich with the method for categorizing documents as disclosed by Husick.

Providing a summary (synopsis) of the document allows a user to ascertain that the contents of the document is of interest. Therefore, claim 5 is rejected.



Claim 6:

Referring to claim 6, it recites the system according to claim 1 or 2 wherein said server further comprises a graphic database containing the graphic data of the cover of the book to be output to the client through the network.

Zucknovich does not expressly suggest a graphic database. However, Husick expressly discloses a graphic database at col. 4, lines 7-10 and Fig. 4C. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the repository system taught by Zucknovich with the method for displaying information as disclosed by Husick. This system provides a searching/retrieval system which can query a library or database and identify not only text documents, but also multi-media files stored in the library or database that are relevant to the query. Therefore, claim 6 is rejected.

Claim 7:

Referring to claim 7, it recites the system according to claim 4, wherein said server includes the database such that it can be retrieved from the client using a keyword indicating a name of a medium containing a review or an introductory remark, a field of the medium, a field of a book, or contents of the book.

Zucknovich teaches a database containing a magazine. Zucknovich fails to explicitly suggest keyword field of a medium, book or contents of the book.

However, Husick expressly discloses keyword, field, or content (synopsis) of the document at col. 20, lines 44-65. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the repository

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system taught by Zucknovich with the method for categorizing documents as disclosed by Husick.

This system provides for accurate search results and flexible search query. Therefore, claim 7 is rejected.

Claim 8:

Referring to claim 8, it recites the system according to claim 4, wherein said a server which outputs results of counting the number of processes of specifying retrieval by the client in the database for each medium on which a review or an introductory remark is listed, for each field of a medium, for each title of a book, for each field of a medium, for each title of a book, for each field of a book , for each author, for each publisher, or for each keyword to the client through the network.

Zucknovich teaches a medium, a title, an author, a publisher. Zucknovich fails to explicitly suggest counting the number of processes of specifying retrieval by the client in the database for each medium. However, Husick expressly discloses a query log table database at col. 36, line 65 through col. 37 line 8. Furthermore, Husick teaches document title, author, publisher name, and publication date at col. 14, lines 28-29.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the repository system taught by Zucknovich with the method for logging the number of processes of query retrieval as disclosed by Husick. This provides for royalty payment computations. Therefore, claim 8 is rejected.

Claim 9:

Referring to claim 9, it recites the system according to claim 1 or 2 wherein said database is sequentially deleted if a predetermined period has passed.

Zucknovich fails to explicitly suggest deletion of records in the database. However, Husick expressly discloses purging documents from the data center. It is implicit that time is an element in the factors used to purge.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the repository system taught by Zucknovich with the method for purging documents from the data center as disclosed by Husick. This provides for an efficient and up-to-date database because storage space is limited. Therefore, claim 9 is rejected.

Claim 10:

Referring to claim 10, it recites the system according to claim 1, wherein said server outputs data of a number of times of listing on a medium a review or an introductory remark for each book, for each field of the book, for each publisher, or for each author in a descending order within a predetermined term of listing the review or the introductory remark for each book, for each field of the book, for each publisher, or for each author.

Zucknovich fails to explicitly suggest outputting the number of times of listing on a medium. However, Husick expressly discloses a retrieval account table database and a new query log entry, which is incremented for each document found which meets a minimum relevance threshold.

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Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the repository system taught by Zucknovich with the method for keeping track of how many times a query is successful as disclosed by Husick. This provides for royalty payment computations. Therefore, claim 10 is rejected.

Claim 11:

Claim 11 is missing.

Claim 12:

Referring to claim 12, it recites the system according to claim 1, wherein said medium is a magazine or a newspaper.

Zucknovich fails to explicitly suggest a magazine or newspaper as a medium. However, Husick expressly discloses said medium at col. 17, lines 4-7.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the repository system taught by Zucknovich with the media as disclosed by Husick. Magazines and newspapers carry the reviews that this invention is based upon. Therefore, claim 12 is rejected.

Claim 13:

Referring to claim 13, Zucknovich expressly teaches a personal computer, a LAN terminal, or a mobile type communications appliance. (See col. 3, lines 13-17.) Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the computer system taught by Zucknovich. Therefore, claim 13 is rejected.

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Claim 14:

Referring to claim 14, Zucknovich expressly teaches a list of reports. (See col. 3, lines 40-47 and 56-62.) Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to make use of the list taught by Zucknovich. Therefore, claim 14 is rejected.

Claim 15:

Referring to claim 15, Zucknovich teaches classification of the books based on the reviews and displays the books as a list and outputs the data to the client through the network. Zucknovich teaches the concept of mapping into "common" terminology as used by the relational database at col. 7, lines 20-25. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to make use of the classification taught by Zucknovich. Therefore, claim 15 is rejected.

Claims 16-21

These claims do not teach or define any significantly new limitations above and beyond claims 1-15 to warrant particular treatment, and therefore, are rejected for similar reasons.

**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (703) 305-0325. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Emmanuel Coffy  
Patent Examiner  
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EC  
Aug. 5, 2004

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